

Report on the

Alabama Licensure Board for Interpreters and Transliterators

Montgomery, Alabama



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August 14, 2002

Representative Tom Hogan
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Hogan:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of **Alabama Licensure Board for Interpreters and Translitterators** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Licensure Board for Interpreters and Translitterators**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose:

The board licenses and permits the providers of interpreting and transliterating services, and establishes and monitors interpreting and transliterating standards in Alabama. Interpreting or transliterating is the process of providing accessible communication between and among persons who do not share a common means of communication. Interpretation is to translate for speakers of different languages. Transliteration is representing letters or words in the corresponding characters of another alphabet.

Authority:

Act 98-675, *Acts of Alabama*, created the board. The interpreters and transliterators practice act is found in the *Code of Alabama 1975*, Title 34, Chapter 16.

Board Characteristics:

Members	9
Term	4 years with no board member serving more than two consecutive terms.
Selection	<ul style="list-style-type: none">• All appointed by the Governor.• 7 from nominations by professional associations; 2 appointed directly.
Qualifications	<ul style="list-style-type: none">• United States citizen.• Alabama resident.• 4 interpreters or transliterators certified at a professional level, one of which must work in an educational setting.• 3 deaf or hard of hearing members who are knowledgeable in the field of professional interpreting.• 2 members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.
Racial Representation	<ul style="list-style-type: none">• No statutory requirement.• No minority race member since member resigned 8/16/00.
Consumer Representation	No statutory requirement.

Geographic Representation

No statutory requirement.

Compensation

Members receive no compensation, but are reimbursed for travel expenses in the same manner as state employees.

Operations:

Administrator

The board employs an independent contractor, Keith Warren, as its executive director.

Location

610 South McDonough Street, Montgomery, AL 36104

Type of Licenses and Permits

	<u>9/30/01</u>	<u>9/30/00</u>	<u>9/30/99</u>
Licenses	56	49	39
Permits	37	219	250
Education Permits	71		

Permits are issued to persons who do not qualify for a license, but who were employed in the field at the time the practice act became effective.

QualificationsFor License

- Application
- Affidavit of national certification
- Affidavit of passing a code of ethics exam if nationally certified subsequent to 1/15/95. The board recognizes two ethics exams:
 1. RID Generalist Exam - held the first Saturday in June and December in Talladega
 2. JSU Interpreter Ethics/Knowledge Test – administered at the request of any applicant upon two weeks notice.
- Fee

For Renewable Permit (8/28/98 to 3/15/99):

- Application
- High school diploma or GED
- Documentation of current employment
- Fee

For Provisional Non-Renewable Permit (subsequent to 3/15/99 through 3/15/00):

- Application
- High school diploma or GED
- 3 Letters of recommendation from licensed practitioners
- Fee

For Renewable Annual Permit (from 3/16/00 on)

- Application
- Affidavit of passing a board approved ethics exam
- Affidavit of passing a board approved interpreting performance assessment
- Fee

For Education Permit (for public education employees hired prior to 3/15/2000. Application must be made by 10/01/2000):

- Application
- Documentation of employment in a public school setting notarized by the school official.
- Fee

Renewals

All licenses and permits renew on March 15 of each year.

**Staggered
Renewals**

No

Examinations	The board does not directly administer examinations. To receive a license (if the applicant received his or her national certification subsequent to 1/5/95) or an annual renewable permit, applicants must pass a board recognized code of ethics examination (see qualifications above).
Continuing Education	Yes, as a requirement for renewal, licensees and permittees must earn 2 units of continuing education per year.
Reciprocity	<p>The board is authorized to enter into a reciprocal agreement with any state, agency, or other organization that licenses, certifies, or registers professional interpreters or transliterators, or both, if the board finds that the state, agency, or organization has substantially the same or more stringent requirements as Alabama.</p> <p>Currently, the board has no reciprocal agreement with any licensing organization.</p>
Employees	None, the board contracts with Warren and Associates, Inc., for clerical and administrative assistance.
Legal Counsel	The Attorney General's Office – Bill Garrett.
Subpoena Power	None
Internet Presence	<ul style="list-style-type: none"> • E-mail address = The_ALBIT@hotmail.com. • Currently the board does not have its own web page, but information about the board and its activities can be found at www.cosda.org, the website of the Council for Organizations Serving Deaf Alabamians (COSDA). Information on the COSDA website about the board includes board members, approved tests, timeline of changes in the licensing requirements, licensure law, and schedule of board meetings. All of the information is not current.

Financial Information:

Source of Funds	Licensing fees
State Treasury	Yes
Unused Funds	Any excess over \$250,000 at fiscal year end is to be used to provide for the education and training of interpreters and transliterators in postsecondary programs.

SIGNIFICANT ITEMS

1. **The board's administrative rules inappropriately allow licenses to lapse 45 days after the statutory expiration date.** The *Code of Alabama 1975*, Section 34-16-5(d) states, "Failure to renew a license on or before March 15 of any year, shall result in a lapse of the license." There are provisions for reinstatement and late renewal, but there is no provision for a continuing to be licensed pending late renewal or reinstatement. The board's administrative rule 488-X-1-.05 states, "all licenses granted by the Alabama Licensure Board of Interpreters and Translators shall expire 45 days after March 15th." Consequently, the rule conflicts with law.
2. **Without statutory authority, the board granted extensions of time for filing applications to education permit candidates.** The *Code of Alabama 1975*, Section 34-16-7(6) pertains to public education personnel who provide interpreting and transliterating services to students and who were hired prior to March 15, 2000. The section states that, "these personnel shall apply for and receive a permit specifying that their permits are restricted to interpreting and transliteration services provided in the public education setting only. The application for this permit shall be submitted to the board prior to October 1, 2000." The law includes no provision for an extension of time to receive applications. However, the board granted 15 extensions during its November 3, 2000 and May 18, 2001 board meetings.
3. **A December 21, 2001 meeting of the board was convened, and votes were taken without a quorum.** An emergency board meeting was held to approve two 30-day emergency contracts with Warren & Co. until the administrative services that the company provides could be competitively bid. Two votes were taken without a quorum. Only five members were present. At the time of the meeting, the *Code of Alabama 1975*, Section 34-16-4(h) provided that, "A quorum necessary to transact business shall consist of six of the members of the board." This section was amended in the 2002 regular session of the Legislature by Act 2002-080 to provide for a quorum of five members, but the meeting was held before the beginning of the 2002 session. Actions taken without a quorum are not valid.

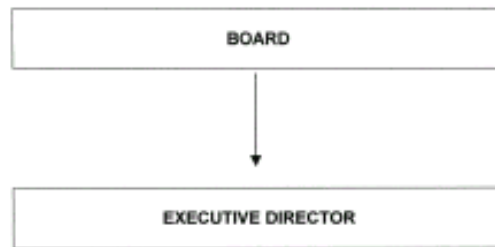
STATUS OF PRIOR AUDIT FINDINGS

Prior audit findings and significant items in the previous report to the Sunset Committee have been resolved, except for the following:

During the previous sunset review, we noted two vacancies on the board due to expiration of terms. Currently, four of the nine board members are serving past their appointed terms. No appointments have been made by the Governor's Office to replace the expired board members. The current members are serving until successor appointments are made, a condition specifically authorized in the board's enabling statutes.

ORGANIZATION

ORGANIZATIONAL CHART



PERSONNEL

The board has no employees. The board contracts with Warren and Associates, Inc., to serve as its executive director and to provide all administrative and clerical assistance. The contract amount for the 2002 fiscal year is \$9,000.

PERFORMANCE CHARACTERISTICS

Number of Licensees at 9/30/01 per Staff – 82

Total Operating Expenditures per Licensee at 9/30/01 - \$78.33

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board is subject to the requirements of the Administrative Procedure Act and files its administrative rules accordingly.

Complaint Handling:

At the time this report was prepared, the board had not received any complaints against a licensee or permittee.

Investigative Members

The investigative committee consists of the executive director, legal counsel, chair, and the investigator.

Initial Documentation	The board requires complaints to be submitted in writing in the form of a letter, by videotape or on the general complaint form supplied by the board.
Formal Hearings	Formal hearings are held if the committee determines there is probable cause. If the investigative committee determines that there is <u>No probable cause</u> or <u>Lack of evidence</u> , it dismisses the complaint.
Anonymous Complaints	Anonymous complaints are not acted upon.
Investigative Board Member	The chair, who is involved in the investigative process, will not vote on the case.

FINANCIAL INFORMATION

Schedule of Fees:

Description	Amount	Authority
License fee, original and renewal	\$35.00	34-16-4(i)(2), 34-16-5, and 34-16-9
Permit fee, original and renewal	\$35.00	34-16-4-(i)(2), 34-16-6, and 34-16-9
Late fee (postmarked after 3/15)	\$10.00	34-16-4(i)(2)
Replacement card or certificate	\$ 7.00	34-16-4(i)(2)
Roster of licensees	\$30.00	34-16-4(i)(2)
Returned check fee	\$25.00	8-8-15
Administrative Fine	Up to \$1000	34-16-11

Schedule of Operating Receipts, Disbursements, and Balances

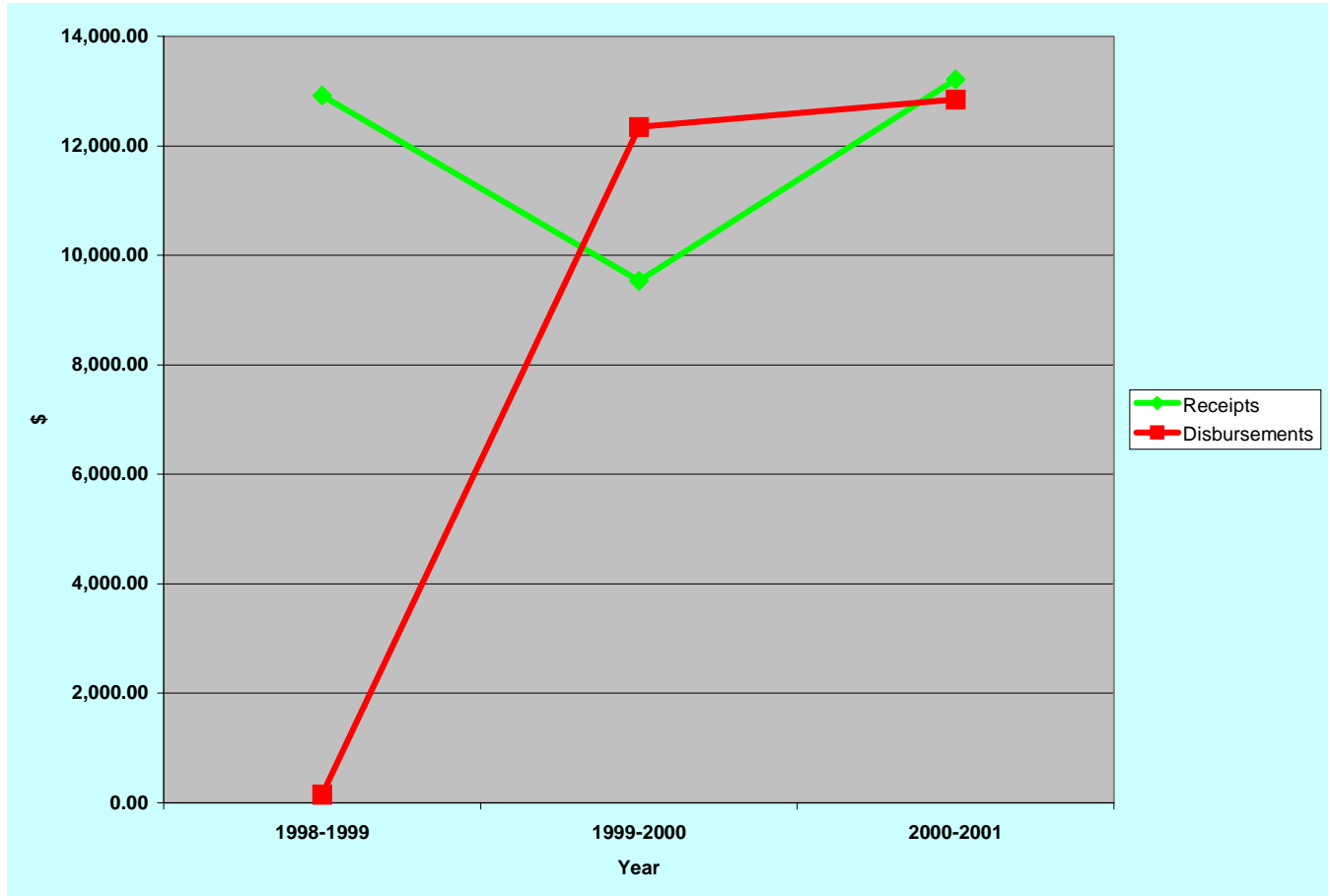
Fund 959

For the Period October 1, 1998 through September 30, 2001

	<u>2000-2001</u>	<u>1999-2000</u>	<u>1998-1999</u>
<u>Receipts</u>			
License Fees	\$13,212.00	\$9,534.00	\$12,920.00
			0.00
Total Receipts	<u>13,212.00</u>	<u>9,534.00</u>	<u>12,920.00</u>
<u>Disbursements</u>			
Travel In-State	1669.36	1392.7	0.00
Utilities and Communications	790.03	651.42	24.00
Professional Services	9203.90	6,377.00	0.00
Supplies, Materials and Operating Expenses	1,182.49	3,923.81	127.97
Total Disbursements	<u>12,845.78</u>	<u>12,344.93</u>	<u>151.97</u>
Excess (Deficiency) of Receipts Over Disbursements	366.22	(2,810.93)	12,768.03
Cash Balance at Beginning of Year	9,957.10	12,768.03	0.00
Cash Balance at End of Year	10,323.32	9,957.10	12,768.03
Reserved for Year End Obligations	(400.00)	0.00	(4,010.00)
Unobligated Cash Balance at Year End	<u>\$9,923.32</u>	<u>\$9,957.10</u>	<u>\$8,758.03</u>

Operating Receipts vs. Operating Disbursements

Fund 959
For the Period October 1, 1998 through September 30, 2001



APPENDICES

Enabling Statutes

Code of Alabama 1975

CHAPTER 16. INTERPRETERS AND TRANSLITERATORS.

Effective date:

The act which added this chapter became effective August 1, 1998.

§ 34-16-1. Short title; construction.

(a) This chapter shall be known as the "Alabama Licensure for Interpreters and Transliterators Act."

(b) This chapter shall be liberally construed and implemented to promote the purposes and policies set forth herein.

(Act 98-675, p. 1480, § 1.)

§ 34-16-2. Legislative intent.

The Legislature declares that it is in the best interest of the public health, safety, and welfare to regulate the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled by licensing and permitting the providers of interpreting and transliterating services, and establishing and monitoring interpreting and transliterating standards in the State of Alabama.

(Act 98-675, p. 1480, § 2.)

§ 34-16-3. Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(1) Board. The Alabama Licensure Board for Interpreters and Transliterators, created pursuant to Section 34-16-4.

(2) Code of ethics. The tenets established by the Registry of the Interpreters for the Deaf which set guidelines governing professional conduct for interpreters and transliterators, and any other code of ethics approved by the board.

(3) Consumer. A hard of hearing, deaf, or speech disabled person or any other person or an agency that requires the services of an interpreter or transliterator to effectively communicate and comprehend signed or spoken discourse.

(4) Continuing Education Program or CEP. A program approved by the board to improve the skill level of licensees and permit holders.

(5) Fund. The Alabama Licensure Board for Interpreters and Transliterators Fund, created pursuant to Section 34-16-9.

(6) Intermediary interpreter. A person who is credentialed as an interpreter and who serves in an intermediary capacity between another deaf person and another licensed or

permitted interpreter or between two or more deaf persons.

(7) Interpreter. A person who is credentialed as a professional interpreter and who engages in the practice of interpreting among consumers. Fluency in all languages interpreted is required.

(8) Interpreting or transliterating. The process of providing accessible communication between and among consumers who do not share a common means of communication. For the purposes of this chapter, interpreting means those processes known as interpretation and transliteration and includes communication modalities, including, but not limited to, visual, gestural, and tactile channels.

(9) Nationally recognized certification. A certification awarded to individuals who successfully complete an evaluation of interpreting skills at a professional level. The term includes a Registry of Interpreters for the Deaf certification, or an equivalent such as the National Association for the Deaf/Alabama Association for the Deaf Interpreter Assessment Program Level 4 or Level 5, or Cued Speech Certification at a national level.

(10) Organizations. The Alabama Association of the Deaf (AAD), a state chapter of the National Association of the Deaf (NAD); Alabama Registry of Interpreters for the Deaf (ALRID), an affiliate state chapter of the Registry of Interpreters for the Deaf, Inc., (RID).

(11) Sign language. Includes all of the following communication systems:

a. American Sign Language (ASL) Based. The language of the deaf community that is linguistically independent from English. The term refers to the visual gestural language used in the United States and parts of Canada and includes all regional variations.

b. English Based Sign Systems. Includes, but is not limited to, all visual representations of the English language such as manually coded English, Pidgin Sign English, and Oral Interpreting.

c. Sign Language. A generic term used to describe a continuum of visual-manual language and communication systems.

d. Cued Speech. A system of handshapes which represents groups of consonant sounds, combined with hand placements which represent groups of vowel sounds, used with natural speech to represent a visual model of spoken language.

(12) Transliterator. A person who is credentialed as a professional transliterator and who engages in the practice of transliteration between consumers utilizing two different modes of the same language. Fluency in both modes of language is required.

(Act 98-675, p. 1480, § 3.)

§ 34-16-4. Licensure Board for Interpreters and Transliterators -- Created; members; terms; officers; meetings; duties; expenses.

(a) There is created the Alabama Licensure Board for Interpreters and Transliterators.

(b) The board shall consist of nine members appointed by the Governor as follows:

(1) Four members certified as interpreters or transliterators at a professional level by a nationally recognized certification, one of whom shall work in an educational setting. A list of three nominations for each of these positions shall be submitted to the Governor by ALRID.

(2) Three deaf or hard of hearing members who are knowledgeable in the field of professional interpreting. A list of three nominations for each of these positions shall be submitted to the Governor by AAD.

(3) Two members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.

(c) All members of the board shall be citizens of the United States and the State of Alabama.

(d) A list of three nominees for each position except for the at-large positions shall be submitted to the Governor by the designated organizations by October 1, 1998. The initial terms shall begin January 1, 1999. All appointees to the board shall be citizens of the United States and residents of the state.

(e) The initial members of the board shall serve the following terms as designated by the Governor:

(1) Four of the initial members shall serve for two years.

(2) Three of the initial members shall serve for three years.

(3) Two of the initial members shall serve for four years.

(f) Subsequent terms of office shall be four years. No board member may serve more than two consecutive terms. In the event of a vacancy, the Governor shall fill the vacancy from the remaining names on the list of nominees for that position. Each board member shall serve until his or her successor is duly appointed and qualified.

(g) At its first meeting each year, the board will elect a chair, a vice chair, and a secretary. No member shall be elected to serve more than two consecutive years in the same office.

(h) After the initial appointments to the board are made, the board shall meet by January 31 of the following year for the purpose of organizing and transacting business as may properly come before it. Subsequently, the board shall meet not less than twice annually, and as frequently as it deems necessary, at such time and places as it designates. A quorum necessary to transact business shall consist of six of the members of the board.

(i) The board shall have all of the following duties:

(1) Act on matters concerning licensure and permitting, and the process of granting, suspending, reinstating, and revoking a license or permit.

(2) Set a fee schedule for granting licenses and permits and renewals of licenses and permits. The fees shall be sufficient to cover the cost of the continued operation and administration of the board.

(3) Develop a mechanism for processing applications for licenses, permits, and renewals.

(4) Establish a procedure to enable the investigation of complaints concerning the violation of ethical practices for licensed or permitted interpreters.

(5) Maintain a current register of licensed interpreters and a current register of permitted interpreters. These registers shall be matters of public record.

(6) Maintain a complete record of all board proceedings.

(7) Submit an annual report detailing the proceedings of the board to the Governor and file a copy with the Secretary of State.

(8) Adopt continuing education requirements no later than October 1 of the year in which the initial board is appointed. These requirements shall be implemented by January 1 of the year following for renewal of a license or permit.

(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2 of Chapter 7 of Title 36 and incidental and clerical expenses necessarily incurred in carrying out this chapter. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if available funds are insufficient for this purpose.

(Act 98-675, p. 1480, § 4.)

§ 34-16-5. License required; issuance; fee; renewal; ethics examination.

(a) After March 15, 1998, any person who provides interpreting or transliterating services for remuneration shall be required annually to be licensed or permitted by the board unless that person is exempt from licensure or permitting pursuant to Section 34-16-7.

(b) The initial license shall be issued upon submission of an application, an affidavit documenting current validation of a nationally recognized certification as approved by the board, and payment of the required nonrefundable annual fee by March 15. Licenses shall be renewed annually, no later than March 15, upon submission of an application and an affidavit documenting current nationally recognized certification at a professional level as approved by the board, payment of the required nonrefundable annual fee, and participation in a continuing education program approved by the board.

(c) All applicants for licensure who are initially certified after January 1, 1995, shall submit an affidavit documenting that the applicant has passed an interpreter code of ethics exam approved by the board.

(Act 98-675, p. 1480, § 5.)

§ 34-16-6. Permit to practice; renewal; fee.

(a) Any person who practices as an interpreter or transliterator for remuneration on August 1, 1998, but who does not otherwise meet the requirements for licensure, may obtain a renewable permit to practice interpretation or transliteration. An initial permit shall be issued upon submission of the application, documentation of a high school diploma or GED, current employment as an interpreter, and payment of the nonrefundable annual fee. Any person who does not obtain an initial permit by March 15, 1999, may obtain a nonrenewable provisional permit to practice interpretation or transliteration upon the submission of the application, documentation of a high school diploma or GED, payment of the nonrefundable fee, and submission of three letters of recommendation from licensed interpreters that verify the skill level of the applicant.

(b) In subsequent years, permit holders and nonrenewable permit holders may apply for a renewable annual permit that shall require the submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and an interpreting performance assessment approved by the board, the payment of the required nonrefundable annual fee, and the participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(c) Subsequent renewal of a permit by a cued speech transliterator shall require submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and payment of the required nonrefundable annual fee and participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(Act 98-675, p. 1480, § 6.)

§ 34-16-7. Exemptions.

The following persons shall be exempt from licensure or permitting pursuant to this chapter:

(1) Any student who is enrolled in a formal American sign language program, a formal interpreter training program, or a formal interpreter or transliterator internship program. The

student shall be allowed to interpret or transliterate as part of his or her training for a maximum of 16 weeks in an educational setting or 120 hours in an agency or business.

(2) Any person who interprets or transliterates solely in a church, synagogue, temple, or other religious setting.

(3) Any person residing outside of the State of Alabama may provide interpreting and transliterating services for up to 14 working days per calendar year without a license.

(4) Any person desiring to interpret for remuneration where circumstances do not allow for fulfillment of the stated requirements for licensure or permitting may petition the board for exemption status.

(5) Those public education personnel and State Department of Rehabilitation personnel, who are not hired as interpreters and transliterators and who are not as a part of their job description responsible for providing interpreting or transliteration services, in circumstances that may necessitate their function as interpreters and transliterators in emergency or incidental situations.

(6) All other public education personnel hired prior to March 15, 2000, who provide interpreting and transliterating services to students. These personnel shall apply for and receive a permit specifying that their permits are restricted to interpreting and transliteration services provided in the public education setting only. The application for this permit shall be submitted to the board prior to October 1, 2000. It shall be the responsibility of the permit holder to annually renew the permit by earning continuing education units in compliance with the requirements of the interpreters and transliterators licensure law. If personnel, who have been grandfathered in pursuant to this subdivision, for any reason should allow their permits to lapse or expire, those personnel shall lose all privileges of this exemption and shall adhere to all requirements of the interpreters and transliterators licensure law to renew their permits.

(Act 98-675, p. 1480, § 7; Act 2000-755, § 1.)

§ 34-16-8. Reciprocity agreements authorized.

(a) The board may enter into a reciprocal agreement with any state, agency, or other organization that licenses, certifies, or registers professional interpreters or transliterators, or both, if the board finds that the state, agency, or organization has substantially the same requirements or more stringent requirements.

(b) The reciprocity agreement shall provide that the board shall license anyone who is currently licensed, certified, or registered in that state or by that agency or other organization if that state, agency, or other organization agrees to license, certify, or register any practitioners who are currently licensed pursuant to this chapter.

(c) The board shall set by regulation the fees appropriate in processing reciprocity.
(Act 98-675, p. 1480, § 8.)

§ 34-16-9. Annual fee; fund.

(a) The annual fee may be increased or decreased by the board, provided, the board shall not set an annual fee at an amount which would not provide sufficient revenues to pay all the costs and expenses incurred by the board in enforcing this chapter.

(b) The annual fee shall cover a license or permit for the 12-month period beginning March 15 of each year.

(c) There is created in the State Treasury the Alabama Licensure Board for Interpreters and

Transliterator Fund. All fees collected by the board shall be paid into the State Treasury to the credit of the fund. Monies in the fund shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certification of the secretary or treasurer of the board.

(d) Any funds remaining in the State Treasury to the credit of the board at the end of each year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to provide for the education and training of interpreters and transliterators in postsecondary programs. At all times the board may retain a sum not in excess of two hundred fifty thousand dollars (\$250,000) to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills. There shall be appropriated from the fund to the board for the fiscal years 1997-1998 and 1998-1999 an amount deemed necessary by the board to fund the costs of its operations.

(Act 98-675, p. 1480, § 9.)

§ 34-16-10. Application for license or permit; issuance; rejection.

(a) Any person may apply for a license or a permit pursuant to this chapter by filing a written application on a form prescribed by the board not less than 30 days prior to the next meeting of the board. The application shall be accompanied by the payment of the annual nonrefundable license fee or permit fee. The credentials of the applicant shall be reviewed according to the rules of the board.

(b) If the board finds the credentials in order, a license or permit shall be issued to the applicant.

(c) If the board rejects the credentials, the applicant will be notified in writing informing him or her of the reasons for rejection.

(Act 98-675, p. 1480, § 10.)

§ 34-16-11. Charges of fraud, deceit, etc., against holder of license or permit; hearing; appeal; reapplication .

(a) Any person may bring charges of fraud, deceit, negligence, incompetence, or misconduct against a licensee or permit holder. All charges shall be made in writing or by video tape and sworn to by the person making the charges. All charges shall be submitted to the chair of the board within 90 days of the alleged occurrence. After a review of the charges, the board shall conduct a hearing at which it may dismiss the charges, or may impose a fine not to exceed one thousand dollars (\$1,000), or may suspend or revoke the license or permit of the person charged.

(b) The licensee or permit holder may appeal a decision of the board imposing an administrative fine or revoking or suspending a license or permit by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee or permit holder. Any licensee or permit holder whose application for renewal of licensure or permitting was denied or whose license or permit was revoked may reapply after 12 months. The board may then reissue a license or permit or rescind any disciplinary action if a majority of the members, which shall be no less than four members, vote in favor of the action.

(Act 98-675, p. 1480, § 11.)

§ 34-16-12. Rules and regulations.

The board may promulgate rules and regulations necessary to implement this chapter and accomplish its objectives. The rules and regulations shall be published in the Standards of Professional Practice and made available to all licensees and permit holders. The rulemaking powers of the board are subject to the Administrative Procedure Act, Sections 41-22-1 to 41-22-27, inclusive.

(Act 98-675, p. 1480, § 12.)

§ 34-16-13. Violations; penalties.

After January 1, 1999, any person who undertakes or attempts to undertake the practice of interpreting or transliterating for remuneration among consumers without first having procured a valid license or permit, or who knowingly presents or files false information with the board for the purpose of obtaining a license or permit, or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed or permitted may not bring or maintain an action to enforce any contract for interpreting or transliterating services which he or she entered into in violation of this chapter. Whenever it appears to the board that any interpreter or transliterator has violated or is about to violate this chapter, the board may, in its own name, petition the circuit court of the county where the violation occurred or is about to occur to issue a temporary restraining order enjoining the violation.

(Act 98-675, p. 1480, § 13.)

§ 34-16-14. Actions by board to recover damages; liability of board members.

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained within the State of Alabama as the result of conduct of any licensee or permit holder who violates this chapter or the rules and regulations of the board.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

(Act 98-675, p. 1480, § 14.)

§ 34-16-15. Notification of conviction or pending civil action; breach of professional ethics, etc.

(a) A licensee or permit holder shall notify the board within 10 days of any felony conviction, and within 10 days of a civil action being brought against the licensee or permit holder, if the civil action arose from an interpreting or transliterating transaction or involves the goodwill of a licensee or permit holder or an existing interpreting or transliterating business or agency. The notification shall be in writing, sent by certified mail, and include a copy of the judgement.

(b) Allegations of breach of professional ethics or conduct incompatible with the Standards of Professional Practice as determined by the board may be brought against a licensee or permit holder by any individual, business, or agency.

(Act 98-675, p. 1480, § 15.)

§ 34-16-16. Sunset provision.

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive,

and shall be reviewed at the same time as the State Board of Medical Examiners.
(Act 98-675, p. 1480, § 16.)

Effective date:

The act which added this chapter became effective August 1, 1998.

§ 34-16-1. Short title; construction.

(a) This chapter shall be known as the “Alabama Licensure for Interpreters and Translators Act.”

(b) This chapter shall be liberally construed and implemented to promote the purposes and policies set forth herein.

(Act 98-675, p. 1480, § 1.)

§ 34-16-2. Legislative intent.

The Legislature declares that it is in the best interest of the public health, safety, and welfare to regulate the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled by licensing and permitting the providers of interpreting and transliterating services, and establishing and monitoring interpreting and transliterating standards in the State of Alabama.

(Act 98-675, p. 1480, § 2.)

§ 34-16-3. Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(1) Board. The Alabama Licensure Board for Interpreters and Translators, created pursuant to Section 34-16-4.

(2) Code of ethics. The tenets established by the Registry of the Interpreters for the Deaf which set guidelines governing professional conduct for interpreters and translators, and any other code of ethics approved by the board.

(3) Consumer. A hard of hearing, deaf, or speech disabled person or any other person or an agency that requires the services of an interpreter or transliterator to effectively communicate and comprehend signed or spoken discourse.

(4) Continuing Education Program or CEP. A program approved by the board to improve the skill level of licensees and permit holders.

(5) Fund. The Alabama Licensure Board for Interpreters and Translators Fund, created pursuant to Section 34-16-9.

(6) Intermediary interpreter. A person who is credentialed as an interpreter and who serves in an intermediary capacity between another deaf person and another licensed or permitted interpreter or between two or more deaf persons.

(7) Interpreter. A person who is credentialed as a professional interpreter and who engages in the practice of interpreting among consumers. Fluency in all languages interpreted is required.

(8) Interpreting or Translating. The process of providing accessible communication

between and among consumers who do not share a common means of communication. For the purposes of this chapter, interpreting means those processes known as interpretation and transliteration and includes communication modalities, including, but not limited to, visual, gestural, and tactile channels.

(9) Nationally recognized certification. A certification awarded to individuals who successfully complete an evaluation of interpreting skills at a professional level. The term includes a Registry of Interpreters for the Deaf certification, or an equivalent such as the National Association for the Deaf/Alabama Association for the Deaf Interpreter Assessment Program Level 4 or Level 5, or Cued Speech Certification at a national level.

(10) Organizations. The Alabama Association of the Deaf (AAD), a state chapter of the National Association of the Deaf (NAD); Alabama Registry of Interpreters for the Deaf (ALRID), an affiliate state chapter of the Registry of Interpreters for the Deaf, Inc., (RID).

(11) Sign language. Includes all of the following communication systems:

a. American Sign Language (ASL) Based. The language of the deaf community that is linguistically independent from English. The term refers to the visual gestural language used in the United States and parts of Canada and includes all regional variations.

b. English Based Sign Systems. Includes, but is not limited to, all visual representations of the English language such as manually coded English, Pidgin Sign English, and Oral Interpreting.

c. Sign Language. A generic term used to describe a continuum of visual-manual language and communication systems.

d. Cued Speech. A system of handshakes which represents groups of consonant sounds, combined with hand placements which represent groups of vowel sounds, used with natural speech to represent a visual model of spoken language.

(12) Transliterator. A person who is credentialed as a professional transliterator and who engages in the practice of transliteration between consumers utilizing two different modes of the same language. Fluency in both modes of language is required.

(Act 98-675, p. 1480, § 3.)

§ 34-16-4. Licensure Board for Interpreters and Transliterators—Created; members; terms; officers; meetings; duties; expenses.

(a) There is created the Alabama Licensure Board for Interpreters and Transliterators.

(b) The board shall consist of nine members appointed by the Governor as follows:

(1) Four members certified as interpreters or transliterators at a professional level by a nationally recognized certification, one of whom shall work in an educational setting. A list of three nominations for each of these positions shall be submitted to the Governor by ALRID.

(2) Three deaf or hard of hearing members who are knowledgeable in the field of professional interpreting. A list of three nominations for each of these positions shall be submitted to the Governor by AAD.

(3) Two members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.

(c) All members of the board shall be citizens of the United States and the State of Alabama.

(d) A list of three nominees for each position except for the at-large positions shall be submitted to the Governor by the designated organizations by October 1, 1998. The initial terms

shall begin January 1, 1999. All appointees to the board shall be citizens of the United States and residents of the state.

(e) The initial members of the board shall serve the following terms as designated by the Governor:

- (1) Four of the initial members shall serve for two years.
- (2) Three of the initial members shall serve for three years.
- (3) Two of the initial members shall serve for four years.

(f) Subsequent terms of office shall be four years. No board member may serve more than two consecutive terms. In the event of a vacancy, the Governor shall fill the vacancy from the remaining names on the list of nominees for that position. Each board member shall serve until his or her successor is duly appointed and qualified.

(g) At its first meeting each year, the board will elect a chair, a vice chair, and a secretary. No member shall be elected to serve more than two consecutive years in the same office.

(h) After the initial appointments to the board are made, the board shall meet by January 31 of the following year for the purpose of organizing and transacting business as may properly come before it. Subsequently, the board shall meet not less than twice annually, and as frequently as it deems necessary, at such time and places as it designates. A quorum necessary to transact business shall consist of six of the members of the board.

(i) The board shall have all of the following duties:

(1) Act on matters concerning licensure and permitting, and the process of granting, suspending, reinstating, and revoking a license or permit.

(2) Set a fee schedule for granting licenses and permits and renewals of licenses and permits. The fees shall be sufficient to cover the cost of the continued operation and administration of the board.

(3) Develop a mechanism for processing applications for licenses, permits, and renewals.

(4) Establish a procedure to enable the investigation of complaints concerning the violation of ethical practices for licensed or permitted interpreters.

(5) Maintain a current register of licensed interpreters and a current register of permitted interpreters. These registers shall be matters of public record.

(6) Maintain a complete record of all board proceedings.

(7) Submit an annual report detailing the proceedings of the board to the Governor and file a copy with the Secretary of State.

(8) Adopt continuing education requirements no later than October 1 of the year in which the initial board is appointed. These requirements shall be implemented by January 1 of the year following for renewal of a license or permit.

(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2 of Chapter 7 of Title 36 and incidental and clerical expenses necessarily incurred in carrying out this chapter. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if available funds are insufficient for this purpose.

(Act 98-675, p. 1480, § 4.)

§ 34-16-5. License required; issuance; fee; renewal; ethics examination.

(a) After March 15, 1998, any person who provides interpreting or transliterating services for remuneration shall be required annually to be licensed or permitted by the board unless that person is exempt from licensure or permitting pursuant to Section 34-16-7.

(b) The initial license shall be issued upon submission of an application, an affidavit documenting current validation of a nationally recognized certification as approved by the board, and payment of the required nonrefundable annual fee by March 15. Licenses shall be renewed annually, no later than March 15, upon submission of an application and an affidavit documenting current nationally recognized certification at a professional level as approved by the board, payment of the required nonrefundable annual fee, and participation in a continuing education program approved by the board.

(c) All applicants for licensure who are initially certified after January 1, 1995, shall submit an affidavit documenting that the applicant has passed an interpreter code of ethics exam approved by the board.

(Act 98-675, p. 1480, § 5.)

§ 34-16-6. Permit to practice; renewal; fee.

(a) Any person who practices as an interpreter or transliterator for remuneration on August 1, 1998, but who does not otherwise meet the requirements for licensure, may obtain a renewable permit to practice interpretation or transliteration. An initial permit shall be issued upon submission of the application, documentation of a high school diploma or GED, current employment as an interpreter, and payment of the nonrefundable annual fee. Any person who does not obtain an initial permit by March 15, 1999, may obtain a nonrenewable provisional permit to practice interpretation or transliteration upon the submission of the application, documentation of a high school diploma or GED, payment of the nonrefundable fee, and submission of three letters of recommendation from licensed interpreters that verify the skill level of the applicant.

(b) In subsequent years, permit holders and nonrenewable permit holders may apply for a renewable annual permit that shall require the submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and an interpreting performance assessment approved by the board, the payment of the required nonrefundable annual fee, and the participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(c) Subsequent renewal of a permit by a cued speech transliterator shall require submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and payment of the required nonrefundable annual fee and participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(Act 98-675, p. 1480, § 6.)

§ 34-16-7. Exemptions.

[Note: This section has been amended by Act 2000-755, effective May 25, 2000. See subsequent appendix]

The following persons shall be exempt from licensure or permitting pursuant to this chapter:

(1) Any student who is enrolled in a formal American sign language program, a formal interpreter training program, or a formal interpreter or transliterator internship program. The student shall be allowed to interpret or transliterate as part of his or her training for a

maximum of 16 weeks in an educational setting or 120 hours in an agency or business.

(2) Any person who interprets or transliterates solely in a church, synagogue, temple, or other religious setting.

(3) Any person residing outside of the State of Alabama may provide interpreting and transliterating services for up to 14 working days per calendar year without a license.

(4) Any person desiring to interpret for remuneration where circumstances do not allow for fulfillment of the stated requirements for licensure or permitting may petition the board for exemption status.

(Act 98-675, p. 1480, § 7.)

§ 34-16-8. Reciprocity agreements authorized.

(a) The board may enter into a reciprocal agreement with any state, agency, or other organization that licenses, certifies, or registers professional interpreters or transliterators, or both, if the board finds that the state, agency, or organization has substantially the same requirements or more stringent requirements.

(b) The reciprocity agreement shall provide that the board shall license anyone who is currently licensed, certified, or registered in that state or by that agency or other organization if that state, agency, or other organization agrees to license, certify, or register any practitioners who are currently licensed pursuant to this chapter.

(c) The board shall set by regulation the fees appropriate in processing reciprocity.

(Act 98-675, p. 1480, § 8.)

§ 34-16-9. Annual fee; fund.

(a) The annual fee may be increased or decreased by the board, provided, the board shall not set an annual fee at an amount which would not provide sufficient revenues to pay all the costs and expenses incurred by the board in enforcing this chapter.

(b) The annual fee shall cover a license or permit for the 12-month period beginning March 15 of each year.

(c) There is created in the State Treasury the Alabama Licensure Board for Interpreters and Translators Fund. All fees collected by the board shall be paid into the State Treasury to the credit of the fund. Monies in the fund shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certification of the secretary or treasurer of the board.

(d) Any funds remaining in the State Treasury to the credit of the board at the end of each year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to provide for the education and training of interpreters and transliterators in postsecondary programs. At all times the board may retain a sum not in excess of two hundred fifty thousand dollars (\$250,000) to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills. There shall be appropriated from the fund to the board for the fiscal years 1997-1998 and 1998-1999 an amount deemed necessary by the board to fund the costs of its operations.

(Act 98-675, p. 1480, § 9.)

§ 34-16-10. Application for license or permit; issuance; rejection.

(a) Any person may apply for a license or a permit pursuant to this chapter by filing a written application on a form prescribed by the board not less than 30 days prior to the next meeting of the board. The application shall be accompanied by the payment of the annual nonrefundable license fee or permit fee. The credentials of the applicant shall be reviewed according to the rules of the board.

(b) If the board finds the credentials in order, a license or permit shall be issued to the applicant.

(c) If the board rejects the credentials, the applicant will be notified in writing informing him or her of the reasons for rejection.

(Act 98-675, p. 1480, § 10.)

§ 34-16-11. Charges of fraud, deceit, etc., against holder of license or permit; hearing; appeal; reapplication .

(a) Any person may bring charges of fraud, deceit, negligence, incompetence, or misconduct against a licensee or permit holder. All charges shall be made in writing or by video tape and sworn to by the person making the charges. All charges shall be submitted to the chair of the board within 90 days of the alleged occurrence. After a review of the charges, the board shall conduct a hearing at which it may dismiss the charges, or may impose a fine not to exceed one thousand dollars (\$1,000), or may suspend or revoke the license or permit of the person charged.

(b) The licensee or permit holder may appeal a decision of the board imposing an administrative fine or revoking or suspending a license or permit by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee or permit holder. Any licensee or permit holder whose application for renewal of licensure or permitting was denied or whose license or permit was revoked may reapply after 12 months. The board may then reissue a license or permit or rescind any disciplinary action if a majority of the members, which shall be no less than four members, vote in favor of the action.

(Act 98-675, p. 1480, § 11.)

§ 34-16-12. Rules and regulations.

The board may promulgate rules and regulations necessary to implement this chapter and accomplish its objectives. The rules and regulations shall be published in the Standards of Professional Practice and made available to all licensees and permit holders. The rulemaking powers of the board are subject to the Administrative Procedure Act, Sections 41-22-1 to 41-22-27, inclusive.

(Act 98-675, p. 1480, § 12.)

§ 34-16-13. Violations; penalties.

After January 1, 1999, any person who undertakes or attempts to undertake the practice of interpreting or transliterating for remuneration among consumers without first having procured a valid license or permit, or who knowingly presents or files false information with the board for the purpose of obtaining a license or permit, or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed or permitted may not bring or maintain an

action to enforce any contract for interpreting or transliterating services which he or she entered into in violation of this chapter. Whenever it appears to the board that any interpreter or transliterator has violated or is about to violate this chapter, the board may, in its own name, petition the circuit court of the county where the violation occurred or is about to occur to issue a temporary restraining order enjoining the violation.
(Act 98-675, p. 1480, § 13.)

§ 34-16-14. Actions by board to recover damages; liability of board members.

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained within the State of Alabama as the result of conduct of any licensee or permit holder who violates this chapter or the rules and regulations of the board.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.
(Act 98-675, p. 1480, § 14.)

§ 34-16-15. Notification of conviction or pending civil action; breach of professional ethics, etc.

(a) A licensee or permit holder shall notify the board within 10 days of any felony conviction, and within 10 days of a civil action being brought against the licensee or permit holder, if the civil action arose from an interpreting or transliterating transaction or involves the goodwill of a licensee or permit holder or an existing interpreting or transliterating business or agency. The notification shall be in writing, sent by certified mail, and include a copy of the judgement.

(b) Allegations of breach of professional ethics or conduct incompatible with the Standards of Professional Practice as determined by the board may be brought against a licensee or permit holder by any individual, business, or agency.
(Act 98-675, p. 1480, § 15.)

§ 34-16-16. Sunset provision.

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive, and shall be reviewed at the same time as the State Board of Medical Examiners.
(Act 98-675, p. 1480, § 16.)

Act 2002-80 (Sunset Act)

1 SB194
2 43236-2
3 By Senator Dixon
4 RFD: Governmental Affairs
5 First Read: 08-JAN-2002

ACT No. 2002-80
W0



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Enrolled, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Licensure Board for Interpreters and Translitterators until October 1, 2003, with certain modifications; to amend Sections 34-16-4, 34-16-5, and 34-16-6, Code of Alabama 1975, so as to reduce the number of board members required for a quorum from 6 to 5; and to authorize the board to provide for the reinstatement of lapsed licenses and late renewal penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Licensure Board for Interpreters and Translitterators until October 1, 2003, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Alabama Licensure Board for Interpreters and Translitterators, created and functioning pursuant to Sections 34-16-1 to 34-16-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-16-4, 34-16-5, and 34-16-6 of the Code of Alabama 1975, are amended to read as follows:

"§34-16-4.

1 "(a) There is created the Alabama Licensure Board
2 for Interpreters and Translitterators.

3 "(b) The board shall consist of nine members
4 appointed by the Governor as follows:

5 "(1) Four members certified as interpreters or
6 translitterators at a professional level by a nationally
7 recognized certification, one of whom shall work in an
8 educational setting. A list of three nominations for each of
9 these positions shall be submitted to the Governor by ALRID.

10 "(2) Three deaf or hard of hearing members who are
11 knowledgeable in the field of professional interpreting. A
12 list of three nominations for each of these positions shall be
13 submitted to the Governor by AAD.

14 "(3) Two members at-large who have an interest in
15 and are experienced in dealing with issues that affect the
16 deaf, hard of hearing, and interpreting communities.

17 "(c) All members of the board shall be citizens of
18 the United States and the State of Alabama.

19 "(d) A list of three nominees for each position
20 except for the at-large positions shall be submitted to the
21 Governor by the designated organizations by October 1, 1998.
22 The initial terms shall begin January 1, 1999. All appointees
23 to the board shall be citizens of the United States and
24 residents of the state.

1 "(e) The initial members of the board shall serve
2 the following terms as designated by the Governor:
3 "(1) Four of the initial members shall serve for two
4 years.
5 "(2) Three of the initial members shall serve for
6 three years.
7 "(3) Two of the initial members shall serve for four
8 years.
9 "(f) Subsequent terms of office shall be four years.
10 No board member may serve more than two consecutive terms. In
11 the event of a vacancy, the Governor shall fill the vacancy
12 from the remaining names on the list of nominees for that
13 position. Each board member shall serve until his or her
14 successor is duly appointed and qualified.
15 "(g) At its first meeting each year, the board shall
16 elect a chair, a vice chair, and a secretary. No member shall
17 be elected to serve more than two consecutive years in the
18 same office.
19 "(h) After the initial appointments to the board are
20 made, the board shall meet by January 31 of the following year
21 for the purpose of organizing and transacting business as may
22 properly come before the board. Subsequently, the board shall
23 meet not less than twice annually, and as frequently as it
24 deems necessary, at such time and places as it designates. A

1 quorum necessary to transact business shall consist of five of
2 the members of the board.

3 "(i) The board shall have all of the following
4 duties:

5 "(1) Act on matters concerning licensure and
6 permitting, and the process of granting, suspending,
7 reinstating, and revoking a license or permit.

8 "(2) Set a fee schedule for granting licenses and
9 permits, for renewing licenses and permits, for reinstating a
10 lapsed license or permit, and for assessing penalties for late
11 renewal. The fees shall be sufficient to cover the cost of the
12 continued operation and administration of the board.

13 "(3) Develop a mechanism for processing applications
14 for licenses, permits, and renewals.

15 "(4) Establish a procedure to enable the
16 investigation of complaints concerning the violation of
17 ethical practices for licensed or permitted interpreters.

18 "(5) Maintain a current register of licensed
19 interpreters and a current register of permitted interpreters.
20 These registers shall be matters of public record.

21 "(6) Maintain a complete record of all board
22 proceedings.

23 "(7) Submit an annual report detailing the
24 proceedings of the board to the Governor and file a copy with
25 the Secretary of State.

1 "(8) Adopt continuing education requirements no
2 later than October 1 of the year in which the initial board is
3 appointed. These requirements shall be implemented by January
4 1 of the year following for renewal of a license or permit.

5 "(j) Board members shall receive the same travel
6 expenses and per diem as state employees pursuant to Article 2
7 of Chapter 7 of Title 36 and incidental and clerical expenses
8 necessarily incurred in carrying out this chapter. The
9 compensation and expenses shall be paid out of the funds of
10 the board. Reimbursement shall not be made if available funds
11 are insufficient for this purpose.

12 "§34-16-5.

13 "(a) After March 15, 1998, any person who provides
14 interpreting or transliterating services for remuneration
15 shall be required annually to be licensed or permitted by the
16 board unless that person is exempt from licensure or
17 permitting pursuant to Section 34-16-7.

18 "(b) The initial license shall be issued upon
19 submission of an application, an affidavit documenting current
20 validation of a nationally recognized certification as
21 approved by the board, and payment of the required
22 nonrefundable annual fee by March 15. Licenses shall be
23 renewed annually, no later than March 15, upon submission of
24 an application and an affidavit documenting current nationally
25 recognized certification at a professional level as approved

1 by the board, payment of the required nonrefundable annual
2 fee, and participation in a continuing education program
3 approved by the board.

4 "(c) All applicants for licensure who are initially
5 certified after January 1, 1995, shall submit an affidavit
6 documenting that the applicant has passed an interpreter code
7 of ethics exam approved by the board.

8 "(d) Failure to renew a license on or before March
9 15 of any year, shall result in a lapse of the license. The
10 holder of the lapsed license may be reinstated by the board if
11 the licensee is in compliance with all other relevant
12 requirements of the board, applies to the board for renewal
13 pursuant to this section, and pays the appropriate renewal,
14 late penalty, and reinstatement fees prescribed by the board.

15 "§34-16-6.

16 "(a) Any person who practices as an interpreter or
17 transliterator for remuneration on August 1, 1998, but who
18 does not otherwise meet the requirements for licensure, may
19 obtain a renewable permit to practice interpretation or
20 transliteration. An initial permit shall be issued upon
21 submission of the application, documentation of a high school
22 diploma or GED, current employment as an interpreter, and
23 payment of the nonrefundable annual fee. Any person who does
24 not obtain an initial permit by March 15, 1999, may obtain a
25 nonrenewable provisional permit to practice interpretation or

1 transliteration upon the submission of the application,
2 documentation of a high school diploma or GED, payment of the
3 nonrefundable fee, and submission of three letters of
4 recommendation from licensed interpreters that verify the
5 skill level of the applicant.

6 "(b) In subsequent years, permit holders and
7 nonrenewable permit holders may apply for a renewable annual
8 permit that shall require the submission of an affidavit and
9 supporting materials documenting that the applicant has passed
10 an interpreter code of ethics exam as approved by the board
11 and an interpreting performance assessment approved by the
12 board, the payment of the required nonrefundable annual fee,
13 and the participation in a continuing education program
14 approved by the board. The affidavit shall be submitted no
15 later than March 15 annually.

16 "(c) Subsequent renewal of a permit by a cued speech
17 transliterator shall require submission of an affidavit and
18 supporting materials documenting that the applicant has passed
19 an interpreter code of ethics exam as approved by the board
20 and payment of the required nonrefundable annual fee and
21 participation in a continuing education program approved by
22 the board. The affidavit shall be submitted no later than
23 March 15 annually.

24 "(d) Failure to renew a permit on or before March 15
25 of any year, shall result in a lapse of the permit. The holder

1 of the lapsed permit may be reinstated by the board if the
2 permittee is in compliance with all other relevant
3 requirements of the board, applies to the board for renewal
4 pursuant to this section, and pays the appropriate renewal,
5 late penalty, and reinstatement fees prescribed by the board."

6 Section 4. The Legislature concurs in the
7 recommendations of the Sunset Committee as provided in
8 Sections 1, 2, and 3.

9 Section 5. The provisions of this act are severable.
10 If any part of this act is declared invalid or
11 unconstitutional, that declaration shall not affect the part
12 which remains.

13 Section 6. All laws or parts of laws which conflict
14 with this act are repealed.

15 Section 7. This act shall become effective
16 immediately upon its passage and approval by the Governor, or
17 its otherwise becoming law.

Board Members



Don Siegelman
Governor

STATE OF ALABAMA
ALABAMA LICENSURE BOARD
FOR
INTERPRETERS AND TRANSLITERATORS

610 S. McDonough Street
Montgomery, AL 36104
Telephone (334) 269-9990
Fax (334) 263-6115

June 18, 2002

Sara Hill
Examiner of Public Accounts
State of Alabama
Montgomery, AL 36130

Dear Ms. Hill:

The following is a current Board member and Staff listing for the Alabama
Licensure Board for Interpreters and Translitterators.

Board Members:	City, State	Term Expires:
Charlene Crump	Montgomery, Alabama	December 31, 2001
Belinda Montgomery, Chair	Lapine, Alabama	December 31, 2002
Cynthia Frey, Secretary	Phenix City, Alabama	December 31, 2004
Gloria Chappell	Talladega, Alabama	December 31, 2000
Peggy Estes	Talladega, Alabama	December 31, 2000
Dru Sweatman, Vice- Chair	Mobile, Alabama	December 31, 2002
Bruei Davis	Brundidge, Alabama	December 31, 2001
Sue Scott	Elberta, Alabama	December 31, 2004
James A. Waid	Montgomery, Alabama	December 31, 2004
Official:		
Keith E. Warren	Montgomery, Alabama	

Please notify me if any additional information is required.

Sincerely,


Keith E. Warren
Executive Director

Responses

1. **The board's administrative rules inappropriately allow licenses to lapse 45 days after the statutory expiration date.** The Board, along with legal counsel, developed an avenue to allow licensees' and permittees' an additional period of time to renew their license to prevent lapsed licenses and reinstatement of licenses that could not renew by the March 15th date. The Board will review this rule and change it to comply with the statute.
2. **Without statutory authority, the board granted extensions of time for filing applications to education permit candidates.** This finding should have been in the previous audit report and is not valid at this time. The Board no longer issues or processes educational permits.
3. **A December 21, 2001 meeting of the board was convened, and votes were taken without a quorum.** The Board were under emergency conditions was not aware that the quorum change was not into effect. Since that time, the Board has handled the business conducted on that date to ensure the validity of the Board's business.